

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 11974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFF

ROBERT LIPSON

## VAN RU CREDIT CORP.

County of Residence of First Listed: COOK CTY, IL  
(IN U.S. PLAINTIFF CASES)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

(b) County of Residence of First Listed Plaintiff PHILADELPHIA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

WILLIAM C. BENSLEY  
1500 WALNUT ST., SUITE 900  
PHILADELPHIA, PA 19102 267-322-4000

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Law	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgments Act	<input type="checkbox"/> 330 Federal Employers' Liability	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<b>LABOR</b>	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (13 95 ff)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus:	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIW C/DIW W (405 (g))	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 530 General	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Force Insure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 871 IRS -Third Party 26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property					<input checked="" type="checkbox"/> 890 Other Statutory Actions

## V. ORIGIN

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 U.S.C. §1692(K)

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in Complaint:  
JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

ROBERT LIPSON

CIVIL ACTION

v.

VAN RU CREDIT CORP.


NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 8. ( )
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. ( X )

06/22/2011  
(Date)

  
\_\_\_\_\_  
Attorney-at-law  
WILLIAM C. BENSLEY, ESQ.  
Attorney for Plaintiff

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA -- DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 6983 Weatham Street, Philadelphia, PA 19119

Address of Defendant: Van Ru Credit Corp., 1350 E. Touhy Avenue, Suite 300E, Des Plaines, IL 60018

Place of Accident, Incident or Transaction: 6983 Weatham Street, Philadelphia, PA 19119

(Use Reverse Side For Additional Space)

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY: None.

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue or factor grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability - Asbestos
9. ☐ All other Diversity Cases

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, William C. Bensley, counsel of record do hereby certify.

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 06/22/2011 William C. Bensley  
Attorney-at-Law

79953  
Attorney I. D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 06/22/2011 [Signature]  
Attorney-at-Law

79953  
Attorney I.D.#

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT LIPSON

Plaintiff,

v.

VAN RU CREDIT CORP

Defendant.

:  
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Civil Action No.:

**COMPLAINT**

**A. Jurisdiction and Venue**

1. Jurisdiction arises under 15 U.S.C. § 1692k(d), 28 U.S.C. §§ 1331, 1337(a), together with the pendent jurisdiction of the court. Supplemental jurisdiction over Plaintiff's state law claims is granted by 28 U.S.C. § 1367(a). Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

2. Venue lies in this judicial district in that the events which gave rise to this claim occurred here and the property which is the subject of the action is situated within this district.

3. Plaintiff Robert Lipson is a natural person who resides at 6983 Weatham Street, Philadelphia, PA 19119.

4. Defendant VAN RU CREDIT CORP. ["VRCC"] is a corporation with principal offices at 1350 E. TOUHY AVENUE, SUITE 300E, DES PLAINES, IL 60018. VNCC regularly attempts to collect debts alleged to be due another and is a debt collector as defined by 15 U.S.C. §1692a(6) and/or allegedly bought the debt disputed herein when in default and therefore defendant is not excluded as a debt collector for purposes of the FDCPA under 15 U.S.C. §1692a(6)(F)(iii).

**C. Factual Allegations**

**The Debt**

5. The subject disputed debt may relate to a credit card.
6. Upon information and belief, VRCC obtained the subject debt while it was in default.
7. Upon information and belief, collection of the subject debt may be time-barred.
8. The plaintiff disputes the amount of the debt.
9. Since approximately 2005, the subject debt was transferred numerous times to one debt collector after another.
10. In connection with disputing the amount of the debt, the plaintiff engaged in settlement discussions with various debt collectors, who at various times offered to settle the debt for amounts ranging from \$1000 to \$2000.
11. In connection with disputing the debt, the various debt collectors never satisfied plaintiff that they actually owned the debt or could adequately explain their calculation of the debt.

**Collection of the Debt**

12. At no time relevant did Defendant VRCC have authorization or justification to speak to anyone other than Plaintiff regarding the subject debt.
13. At no time relevant did Defendant VRCC have authorization or justification to disclose information about the subject debt to anyone other than Plaintiff directly.
14. At no times relevant did Defendant VRCC have authorization or justification to disclose information about the subject debt on any non-private answering machines, especially one related to the telephone number 215-849-1750.
15. At all times relevant, the aforementioned answering machine had an outgoing message that clearly indicated that it belong to a third-party.

16. It is believed and therefore averred that defendant called Plaintiff's residence and heard an outgoing message on the answering machine that identified the 215-849-1750 number as relating to a third-party.

17. Defendants left the following automated messages on the answering machine for the telephone number 215-849-1750:

06/24/2010 2:27 p.m.

[start] Hello. This is an important call for Robert H. Lipson. Please call Van Ru Credit Corporation at 877-649-0036. Once again, the number is 877-649-0036. Thank you. This is from a debt collector attempting to collect a debt and any information obtained will be used for that purpose. [end]

06/30/2010 12:10 p.m.

[start] Hello. This is an important call for Robert H. Lipson. Please call Van Ru Credit Corporation at 877-649-0036. Once again, the number is 877-649-0036. Thank you. This is from a debt collector attempting to collect a debt and any information obtained will be used for that purpose. [end]

06/30/2010 2:55 p.m.

[start] Hello. This message is for Robert H. Lipson. If you are not Robert H. Lipson by continuing to listen to this message you acknowledge you are Robert H. Lipson. Mr./Ms. Lipson this is a personal message. To protect your privacy may not wish to let other hear it. I will pause briefly so you can arrange to listen in private. This is a message for Van Ru Coporation, a debt collector, attempting to collect a debt, and any information obtained will be used for that purpose. Please contact us at 877-649-0036 regarding an important business matter as soon as possible. Thank you. [end]

07/12/2010 8:14 p.m.

[start] Hello. This message is for Robert H. Lipson. If you are not Robert H. Lipson by continuing to listen to this message you acknowledge you are Robert H. Lipson. Mr./Ms. Lipson this is a personal message. To protect your privacy may not wish to let other hear it. I will pause briefly so you can arrange to listen in private. This is a message for Van Ru Coporation, a debt collector, attempting to collect a debt, and any information obtained will be used for that purpose. Please contact us at 877-649-0036 regarding an important business matter as soon as possible. Thank you. [end]

08/31/2010 6:45 p.m.

[start] Hello. This is an important call for Robert Lipson. Please call Van Ru

Credit Corporation at 877-649-0036. Once again, the number is 877-649-0036. Thank you. This is from a debt collector attempting to collect a debt and any information obtained will be used for that purpose. Good bye. [end]

Thr 2:27 pm

[start] Hello. This is an important call for Robert H. Lipson. Please call Van Ru Corporation at 877-649-0036. Once again, the number is 877-649-0036. Thank you. This is from a debt collector attempting to collect a debt and any information obtained will be used for that purpose. [end]

9:42 a.m.

[start] Hello. This is an important call for Robert H. Lipson. Please call Van Ru Corporation at 877-649-0036. Once again, the number is 877-649-0036. Thank you. This is from a debt collector attempting to collect a debt and any information obtained will be used for that purpose. [end]

18. Plaintiff has suffered severe emotional distress and anxiety as a result of defendants' conduct.

**D. Cause of Action**

**COUNT I – Violations of the FDCPA**

19. Plaintiff incorporates all facts and allegations set forth in this Complaint.

20. At all times relevant hereto Defendants were attempting to collect an alleged debt to it which was incurred for personal, family or household purposes and is a "debt" as defined by 15 U.S.C. § 1692a(5).

21. Defendants, by their conduct as described above, violated the FDCPA as follows:

(a) §1692 b(1), Contacted third parties and failed to state that collector is confirming or correcting location information;

(b) §1692 b(2), Contacted third-parties about the subject debt;

(c) §1692c(b), Contacted third parties other than consumer, consumer's attorney, or credit bureau concerning the debt;

(d) §1692d, Engaged in conduct the natural consequence of which is to harass, oppress, or abuse a person;

(e) §1692e, Used false, deceptive, or misleading representation or means in connection with the debt collection;

(f) §1692f, Used unfair or unconscionable means to collect or attempt to collect the alleged debt.

**COUNT II - INVASION OF PRIVACY BY INTRUSION UPON SECLUSION**

22. Plaintiff incorporates all facts and allegations in this Complaint.

23. Defendants intentionally interfered, physically or otherwise, with the solitude, seclusion and or private concerns or affairs of the Plaintiffs by involving a third-party in notice of and collection of a debt who was unrelated to said debt.

24. Defendants intentionally caused harm to Plaintiff's emotional well being by engaging in highly offensive conduct in the course of collecting a debt, as described herein.

25. Plaintiffs had a reasonable expectation of privacy in Plaintiff's solitude, seclusion, and or private concerns or affairs.

26. The intrusion by Defendants occurred in a way that would be highly offensive to a reasonable person in that position.

27. As a result of such invasions of privacy, Plaintiff is entitled to actual damages in an amount to be determined at trial from each and every Defendant.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendants for the following:


- A. Declaratory judgment that defendants' conduct violated the FDCPA.
- B. Statutory damages pursuant to 15 U.S.C. § 1692k;
- C. Actual damages;
- D. Reasonable attorney fees and costs.



**TRIAL BY JURY**

28. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const.  
amend. 7. Fed. R. Civ. Pro. 38.

Dated: June 22, 2011



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Attorney for Plaintiff  
By: William Bensley, Esquire  
Pa. Id. No. 79953  
1500 Walnut Street, Suite 900  
Philadelphia, PA 19102